IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

WP(C).No. 34546 of 2007(K)

PETITIONER:

DR.K.P.RAMAN, RETIRED DISTRICT MEDICAL OFFICER, KALAPURACKAL HOUSE, MADAKKATHANAM P.O., MANJALLOOR VILLAGE, MUVATTUPUZHA TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.T.J.MICHAEL
SRI.A.C.DEVASIA

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
2. **ADDITIONAL SECRETARY TO GOVERNMENT DEPARTMENT OF HEALTH AND FAMILY WELFARE(A), GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
3. **DIRECTOR OF HEALTH SERVICES, OFFICE OF DIRECTOR OF HEALTH SERVICES, THIRUVANANTHAPURAM.**
4. **DISTRICT MEDICAL OFFICER(HEALTH), IDUKKI, PAINAVU P.O., IDUKKI.**
5. **SUPERINTENDENT, THALUK HEAD QUARTERS HOSPITAL, THODUPUZHA.**

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 34546 of 2007

Dated this the 23rd November, 2007

J U D G M E N T

The petitioner who retired from service from the Department of Health Services on 30.11.2001 is aggrieved by Exhibit-P6 order issued by the Government, wherein it accorded sanction to the Director of Health Services to proceed against the petitioner for recovery of Rs.89,182/- stated to be the pecuniary loss sustained by the Government under the provisions of the Public Accountants Act, 1963.

2. According to the petitioner, the order is passed without notice to him. Though he had sought for a personal hearing, the same was not granted.

3. In my view, the petitioner has a right to object to any demand that is made under the Public Accountants Act, 1963, when the demand is made as such. Exhibit-P6 only accords sanction to the competent authority to raise a demand under the Public Accountants Act.

Learned Government Pleader brings to my notice Sub section 3 (3) of the said Act which provides that if the Public Accountant does not satisfy the demand, but appears and objects

to the claim wholly or in part, the Collector shall enquire into the matter and record a decision. Obviously, if the petitioner objects to the demand, the procedure under Sub Section 3 (3) will have to be followed.

In the result, it is made clear that enforcement of the demand, if any raised pursuant to Exhibit-P6 can only be after following the procedure which is mentioned under Sub section 3 (3) of the said Act. Subject to the above observation, this writ petition is disposed of.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007